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Before The  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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Telephone Number portability	)	CC Docket 95-116
	)	
North American Numbering Council (NANC)	)	NSD File No. L-98-84
Recommendation Concerning Local Number	)	
Portability Administration, Wireless and	)	
Wireline Integration	)	

**COMMENTS OF AT&T CORP.**

Pursuant to the Commission's Public Notice released June 29, 1998,<sup>1</sup> AT&T Corp. ("AT&T") hereby submits its comments on the Report of the North American Numbering Council ("NANC") regarding Local Number Portability Administration, Wireless Wireline Integration.<sup>2</sup>

**INTRODUCTION AND SUMMARY**

AT&T generally supports the conclusions and advice set forth in the NANC Report, but urges the Commission preemptively to reject attempts by incumbent local exchange carriers ("ILECs") to limit the availability of wireline-to-wireless porting. The ILECs' argument that differences in local calling areas between the wireline and wireless services render inter-service local number portability ("LNP") competitively inequitable is utterly without merit. The ILECs have chosen the "rate center" model for their landline services, and should not be heard to argue

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<sup>1</sup> Public Notice, Common Carrier Bureau Seeks Comment on North American Numbering Council Recommendation Concerning Local Number Portability Administration Wireline and Wireless Integration, DA 98-1290 (rel. June 29, 1998).

<sup>2</sup> North American Numbering Council, Local Number Portability Administration Working Group Report on Wireless Wireline Integration (May 8, 1998) ("NANC Report").

now that this self-imposed regime results in discrimination simply because wireless carriers have not adopted it.

AT&T does submit, however, that the difference in porting intervals between the wireless and wireline industries could be deemed competitive disparity. Today, wireline carriers require four days to port a customer, while wireless carriers can accomplish a port in a matter of hours. The Commission, therefore, should encourage a meaningful reduction in wireline-to-wireless porting intervals.

In addition, AT&T believes that wireless LNP implementation can be accomplished much more efficiently if a third party clearinghouse is established to satisfy the Commission's mandate that a list be provided of the cellular, PCS, and covered SMR switches for which number portability has been requested. AT&T requests that the Commission specify that if such a clearinghouse is established, use of the clearinghouse be required for all wireless carriers and that information on wireless LNP requests will not be accepted or disseminated in any other form.

Finally, AT&T agrees with the NANC that the Commission must clarify its intent for wireless LNP and its statement that LNP implementation must support nationwide roaming. While only those wireless carriers in the largest markets are required to implement LNP by June 30, 1999, the wireless number portability solution requires all MIN-based carriers to perform network and system upgrades to ensure that automatic roaming continues to be available and function appropriately in their markets for both ported and non-porting subscribers alike. Accordingly, AT&T requests that the Commission explicitly order all MIN-based wireless providers to accomplish such upgrades by the date of LNP implementation irrespective of the market in which they operate. If the Commission concludes that carriers generally are unable to

comply with this deadline, it should delay wireless LNP implementation rather than sacrifice automatic roaming.

**I. THE COMMISSION SHOULD CONFIRM THAT WIRELINE-TO-WIRELESS PORTING IS COMPETITIVELY NEUTRAL REGARDLESS OF RATE CENTER DIFFERENCES**

In the First Report and Order, the Commission mandated that by December 31, 1998, all LECs in the 100 largest Metropolitan Statistical Areas (“MSAs”) must provide number portability “to all telecommunications carriers, including commercial mobile radio services (CMRS) providers.”<sup>3</sup> In adopting this requirement, the Commission was well aware that CMRS service areas do not necessarily coincide with ILEC and state-created rate centers and that wireless carriers often provide their mobile customers with numbers that are not rated out of the LEC central office serving the customer’s billing address. This difference in wireless/wireline architecture and billing practices means that a customer desiring to port his wireless number to a wireline service provider can do so only if the number resides in the LEC rate center serving his actual residence or business, while a wireline-to-wireless port would have no such restrictions.<sup>4</sup>

Some wireline carriers now claim that this so-called “rate center disparity” competitively disadvantages wireline providers.<sup>5</sup> Consequently, they propose eliminating all wireline-to-wireless porting obligations except to fixed wireless providers who have established the same

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<sup>3</sup> Telephone Number Portability, CC Docket No. 95-116, First Report and Order and Further Notice of Proposed Rulemaking, 11 FCC Rcd 8352, 8355 ¶ 3 (1996) (emphasis added) (“First Report and Order”).

<sup>4</sup> See NANC Report at § 3.1.2 and Appendix D (“Rate Center Issue Appendix”) at § 6.0.

<sup>5</sup> NANC Report, Rate Center Issue Appendix, Wireline Position Paper at ¶ II.B.

rate centers as the ILEC.<sup>6</sup> There is no merit to this wireline discrimination complaint and AT&T urges the Commission to clarify in this proceeding that it will not limit wireline-to-wireless porting obligations in this manner. No technical barrier in the national LNP architecture has been identified that would preclude the full integration of wireless service providers into wireline portability, and the Commission should ensure that service provider portability continues to proceed.<sup>7</sup>

Given that the concept of rate centers was devised by incumbent LECs, their rate center disparity argument is especially unpersuasive. While state commissions have approved ILEC rate center plans, AT&T is unaware of any technical or regulatory requirement that ILECs rate and route calls according to their existing rate center structure.<sup>8</sup> Contrary to the claims of some wireline carriers, the difference in the scope of porting capabilities between wireless and wireline service providers does not “unduly favor or disadvantage any particular industry segment” or “unduly favor one technology over another.”<sup>9</sup> Both Congress and the Commission have recognized that, because of the mobile nature of wireless services and their federally established

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<sup>6</sup> *Id.* at ¶ III.J. The ILECs discuss “location portability” – wireline porting beyond the rate center – as a possible solution to the perceived “disparity” but acknowledge that, at this time, location portability is not technically feasible. *Id.* at III.G, H. The Commission should reject any attempts to delay service provider portability between wireline and wireless carriers unless and until wireline carriers devise a way to implement location portability for themselves.

<sup>7</sup> *Id.*, Wireless Position Paper at § 1.0.

<sup>8</sup> Rate center consolidation, which a number of states are considering as a means to conserve numbers, would increase the likelihood that, when porting to a wireline carrier, a wireless subscriber could be served in the same rate center that is associated with his NPA-NXX. *Id.* at § 3.1.2. While the ILECs argue that consolidation is a matter of state, not federal, jurisdiction, AT&T notes that ILECs could themselves request rate center consolidation from state commissions and thereby ameliorate significantly this self-imposed “disparity” in porting capabilities.

<sup>9</sup> *Id.*, Wireline Position Paper at ¶ II.B.

license areas, wireless carriers should not be subject to exactly the same regulation as LECs.<sup>10</sup>

The difference in calling areas and assignment of numbering resources by the two industries preexisted LNP and was well known to both the industry and the Commission. With or without the implementation of LNP, customers must be in a particular physical location to use a particular wireline number. In contrast, customers have always been aware that with a wireless NXX, they usually can make local calls throughout a much broader area. Therefore, the contention that, with the integration of wireless-wireline LNP, end user perceptions will change to the competitive disadvantage of wireline carriers is baseless.<sup>11</sup> If anything, the “solution” proposed by the wireline industry – halting all porting to mobile wireless providers – would competitively disadvantage wireless carriers and undermine the Commission’s desire to foster wireline-wireless competition.

## **II. REDUCED INTERVALS FOR WIRELINE-TO-WIRELESS PORTING ARE NECESSARY**

Together with the other measures set forth in the Telecommunications Act of 1996, Congress ordered the implementation of service provider number portability as a means to promote competition and “secure lower prices and higher quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies.”<sup>12</sup> AT&T concurs with the Commission that number portability is a critical step in opening the local exchange market to meaningful competition. Congress’s and the

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<sup>10</sup> Compare 47 C.F.R. § 51.701(b)(1) with 47 C.F.R. § 51.701(b)(2) (establishing for reciprocal compensation purposes the local calling areas for LEC-LEC traffic as those adopted by state commissions and for LEC-CMRS traffic as Major Trading Areas).

<sup>11</sup> See NANC Report, Rate Center Issue Paper at § 6.0.

<sup>12</sup> See First Report and Order, 11 FCC Rcd at 8354 ¶ 2 (quoting S. Conf. Rep. No. 230, 104<sup>th</sup> Cong., 2d Sess. 1 (1996)).

Commission's laudable goals will not be met, however, unless the Commission simultaneously takes action to ensure that porting is accomplished in a prompt and accurate manner.

The current porting interval for wireline carriers is four business days, while wireless-to-wireless ports can be completed in two and one half hours.<sup>13</sup> AT&T recognizes that the wireline industry has different concerns and business models and, therefore, wireline carriers cannot be expected to match wireless intervals, at least for the near term. Nevertheless, AT&T submits that the wireline-to-wireless porting timeframe could be reduced significantly as parties gain more experience with LNP. For instance, in the case of a wireline-to-wireless port, the wireline provider is merely disconnecting existing service (as opposed to providing new service), a process that takes wireless providers a matter of minutes. While various technical concerns, as well as state and federal rules intended to prevent "slamming," might make "porting out" somewhat more complex in the wireline world, it should not necessarily require the same lengthy interval as "porting in."<sup>14</sup> The Commission should take the steps necessary to ensure that a meaningful reduction in porting intervals remains a priority for all carriers.

In this regard, AT&T supports the NANC's recommendation that changes to the Number Portability Administration Center/Service Management System ("NPAC/SMS") are required to support reductions in maximum time intervals, and it urges the Commission explicitly to order such changes for wireless-to-wireless LNP, and to order the NANC to investigate their feasibility for wireline-to-wireless LNP. In addition, AT&T favors implementation of an automated

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<sup>13</sup> NANC Report at § 3.3.2.3.

<sup>14</sup> In implementing wireline-to-wireline ports, carriers have legitimate concerns about slamming. This problem is significantly reduced, however, when porting to a wireless provider because customers cannot have their landline service changed to wireless without having their mobile phones reprogrammed.

solution through the NPAC/SMS interface for wireless-to-wireless LNP.<sup>15</sup> As the NANC states, “[t]he primary reason for removing the LSR from the wireless to wireless porting process is to reduce the number of steps required to port a subscriber. In turn, this can reduce the length of time required to port a subscriber.”<sup>16</sup> Further, an automated ordering interface between wireless and wireline carriers also would likely have a “major benefit of reducing the overall time and cost of porting a subscriber.”<sup>17</sup> The Commission should direct the NANC immediately to investigate if such action is justified.

Finally, AT&T believes that wireless LNP implementation can be accomplished much more efficiently if a third party clearinghouse is established to satisfy the Commission’s mandate that a list of the cellular, PCS, and covered SMR switches for which number portability has been requested be provided.<sup>18</sup> The Cellular Telecommunications Industry Association (“CTIA”), in conjunction with NANC, has determined that, because of the complicated nature of the information, a clearinghouse could more accurately meet the Commission’s mandate than individual service provider submissions.<sup>19</sup> For the clearinghouse to operate efficiently, however, it is essential that all wireless providers participate. Accordingly, AT&T requests that the Commission specify that, assuming a clearinghouse is established for this function, use of the clearinghouse is mandatory and that information on LNP requests will not be accepted or disseminated in any other form.

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<sup>15</sup> See NANC Report at §§ 3.3.2.1 - 3.3.2.2.

<sup>16</sup> Id. at § 3.3.2.1.

<sup>17</sup> Id. at § 3.3.2.2.

<sup>18</sup> Id. at § 3. 2.

<sup>19</sup> Id.

### **III. THE COMMISSION MUST ORDER ALL MIN-BASED WIRELESS CARRIERS TO UPGRADE SWITCHES TO ENSURE THE CONTINUANCE OF NATIONWIDE ROAMING**

In the First Order on Reconsideration, the Commission stated that “by June 30, 1999, CMRS providers must (1) offer service provider portability in the 100 largest MSAs, and (2) be able to support nationwide roaming.”<sup>20</sup> AT&T and other wireless carriers have subsequently pointed out that these two requirements are not necessarily consistent.<sup>21</sup> In particular, while LNP is only required in the top 100 MSAs, all CMRS carriers currently using Mobile Identification Numbers (“MINs”), including those in smaller markets, will have to perform network upgrades in order to participate in automatic roaming agreements.<sup>22</sup> As the NANC explains, to implement LNP, MIN-based carriers must move from a single MIN to multiple identifiers. If a wireless carrier in a smaller market fails to alter its network in this way, it will not be able to receive the telephone number of the ported subscriber (Mobile Directory Number) and may inappropriately use the Mobile Station Identifier (MIN) when the telephone number should be used. For example, if MIN-based carriers are unable to support the separation of the MIN and the MDN on the wireless LNP effective date, E911 call-back numbers could be incorrect. For these reasons, the NANC asks the Commission to clarify “the words in the Commission’s LNP orders

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<sup>20</sup> Telephone Number Portability, CC Docket No. 95-116, RM-8535, First Memorandum Opinion and Order on Reconsideration, FCC 97-74, at ¶ 136 (rel. March 11, 1997).

<sup>21</sup> See Comments of AT&T Wireless Services, Inc., CC Docket No. 95-116, DA 97-2579 (filed Jan. 9, 1998) (“AT&T Comments on CTIA Petition”); Letter to Magalie Roman Salas, Secretary, FCC, from Howard J. Symons, Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C., and attached ex parte presentation of AT&T Wireless Services, Inc., CC Docket No. 95-116 (filed May 26, 1998).

<sup>22</sup> Id.



‘including the ability to support roaming, by June 30, 1999’ for wireless carriers not involved in service provider portability but involved in nationwide roaming.”<sup>23</sup>

Automatic roaming has become an integral part of wireless service for both providers and consumers, and LNP implementation should not be permitted to impact its availability in any way. AT&T’s subscribers rely on being able to travel anywhere in the country and use their phones. Automatic roaming is the only easy and cost effective method to provide this service. Accordingly, AT&T strongly urges the Commission to clarify its order that carriers support automatic roaming by specifying that all MIN-based CMRS carriers must perform the upgrades to their networks necessary to provide automatic roaming in their service areas by the wireless LNP effective date regardless of the market in which they are located. If the Commission determines that many carriers are not able to meet this deadline, the Commission should delay the wireless LNP implementation date until all providers have a reasonable chance to perform the network changes.<sup>24</sup> Automatic roaming is simply too important to sacrifice for the purpose of satisfying a non-statutory wireless LNP deadline.

## CONCLUSION

For the foregoing reasons, AT&T urges the Commission to adopt the NANC’s recommendations on the integration of wireless and wireline LNP, but to ensure that such integration is accomplished in a prompt and equitable manner. In particular, the Commission

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<sup>23</sup> See “Support of Nationwide Roaming,” Attachment to NANC Transmittal Letter; NANC Report at § 7.2.2.

<sup>24</sup> AT&T has supported CTIA’s petition to delay the commencement date of wireless LNP by nine months because of the complex and far reaching issues associated with these network upgrades. See AT&T Comments on CTIA Petition. If the Commission grants this petition or otherwise delays wireless LNP, it should order the required upgrades to occur on the wireless LNP implementation date.

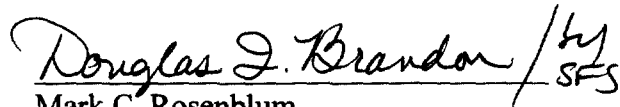
should reject attempts by the ILECs to evade their obligations to provide porting services to mobile wireless providers. In addition, the Commission should encourage LECs to investigate reductions of their wireline-to-wireless porting intervals. AT&T also requests that if a clearinghouse is established to satisfy the Commission's mandate that a list be provided of the cellular, PCS, and covered SMR switches for which number portability has been requested, that all carriers be required to use it, and that information on wireless LNP requests not be accepted or disseminated in any other form. Finally, AT&T requests the Commission to order all MIN-based carriers to perform the network and system upgrades necessary to support the wireless number portability solution for automatic roaming by the date of wireless LNP implementation.

Respectfully submitted,

AT&T CORP.

Howard J. Symons  
Sara F. Seidman  
Mintz, Levin, Cohn, Ferris, Glovsky  
and Popeo, P.C.  
701 Pennsylvania Avenue, N.W.  
Suite 900  
Washington, DC 20004  
(202) 434-7300

Of Counsel

  
Mark C. Rosenblum  
Roy E. Hoffinger  
James H. Bolin, Jr.  
Room 3247H3  
295 North Maple Avenue  
Basking Ridge, NJ 07920  
(908) 221-4617

Douglas I. Brandon  
AT&T Wireless Services, Inc.  
1150 Connecticut Avenue, N.W.  
Suite 400  
Washington, D.C. 20036  
(202) 223-9222

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## CERTIFICATE OF SERVICE

I, Tanya Butler, hereby certify that on this 10<sup>th</sup> day of August, 1998 a copy of the foregoing "Comments of AT&T Corp." were served on the following by messenger:

  
Tanya Butler

Magalie Roman Salas  
Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554

Jeannie Grimes (5 copies)  
Common Carrier Bureau  
Federal Communications Commission  
2000 M Street, N.W., Room 235  
Washington, D.C. 20554

Michael Rosenthal  
Wireless Telecommunications Bureau  
Federal Communications Commission  
2100 M Street, N.W., Suite 700  
Washington, D.C. 20554

ITS  
1231 20<sup>th</sup> Street, N.W.  
Washington, D.C. 20036

Gayle Radley Teicher  
Network Services Division  
Common Carrier Bureau  
Federal Communications Commission  
2000 M Street, N.W., Suite 235  
Washington, D.C. 20554

Doug Sicker  
Network Services Division  
Common Carrier Bureau  
Federal Communications Commission  
2000 M Street, N.W., Suite 235  
Washington, D.C. 20554

Kathryn C. Brown  
Chief  
Common Carrier Bureau  
Federal Communications Commission  
Room 500  
1919 M Street, N.W.  
Washington, D.C. 20554

Lawrence E. Strickling  
Deputy Chief  
Common Carrier Bureau  
Federal Communications Commission  
Room 500  
1919 M Street, N.W.  
Washington, D.C. 20554

Thomas C. Power  
Legal Advisor  
Office of Chairman Kennard  
Federal Communications Commission  
Room 814  
1919 M Street, N.W.  
Washington, D.C. 20554

Ari Fitzgerald  
Attorney Advisor  
Office of Chairman William Kennard  
Federal Communications Commission  
1919 M Street, N.W.  
Room 814  
Washington, D.C. 20554

James Casserly  
Senior Legal Advisor  
Office of Commissioner Ness  
Federal Communications Commission  
Room 832  
1919 M Street, N.W.  
Washington, D.C. 20554

Peter Tenhula  
Attorney Advisor  
Office of Commissioner Michael Powell  
Federal Communications Commission  
Room 844  
1919 M Street, N.W.  
Washington, D.C. 20554

Kyle D. Dixon  
Legal Advisor  
Office of Commissioner Powell  
Federal Communications Commission  
1919 M Street, N.W.  
Room 844  
Washington, D.C. 20554

Karen Gulick  
Attorney Advisor  
Office of Commissioner Gloria Tristani  
Federal Communications Commission  
Room 918  
1919 M Street, N.W.  
Washington, D.C. 20554

Paul Gallant  
Legal Advisor  
Office of Commissioner Gloria Tristani  
Federal Communications Commission  
Room 918  
1919 M Street, N.W.  
Washington, D.C. 20554

Paul Misener  
Senior Legal Advisor  
Office of Commissioner Furchtgott-Roth  
Federal Communications Commission  
Room 802  
1919 M Street, N.W.  
Washington, D.C. 20554

Kevin Martin  
Legal Advisor  
Office of Commissioner Furchtgott-Roth  
Federal Communications Commission  
Room 802  
1919 M Street, N.W.  
Washington, D.C. 20554

Chief  
Network Services Division, Room 235  
2000 M Street, N.W.  
Washington, D.C. 20554